

UNITED STATES OF AMERICA
Before The
FEDERAL COMMUNICATIONS COMMISSION
455 12th Street S.W.
Washington. DC 20554

In The Matter of)
25

MM Docket 99-

Creation Of A Low Power)
Radio Service)

RM-9208

RM-9242

WRITTEN COMMENTS OF THE AMHERST ALLIANCE, OPPOSING AN EXTENSION OF THE
WRITTEN COMMENTS DEADLINE AND/OR AN EXTENSION OF THE REPLY COMMENTS DEADLINE

The Amherst Alliance is a national organization of groups and individuals
who advocate greater diversity in media ownership and media programming.

It was founded in Amherst, Massachusetts on September 17, 1998.

AMHERST OPPOSES ANY DEADLINE EXTENSION

The Amherst Alliance objects strongly, On The Record, to any extension of
either deadline in this Docket. The Commission has already had the benefit of
a

5-month comment period in 1998, which drew hundreds of filings on both sides
of the issue -- including an extraordinary number from individual citizens.
Another 4 months have now been provided in 1999, for a total of 9 months.

This is time enough to give birth to fair and workable regulations.

NAB'S REQUEST IS UNJUST & UNREASONABLE

We oppose, with special vehemence, a request from the National
Association of Broadcasters (NAB) to extend the Written Comments deadline
from April to July -- and the Reply Comments deadline from May to October.

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The NAB did not provide the text of its deadline extension request to

either The Amherst Alliance or the RM-9208 Petitioners, whose Petition for Rulemaking served as the original catalyst for these proceedings. Nor did the NAB provide any kind of formal or informal notice to either of these parties.

It was not until today -- March 12, 1999 -- that The Amherst Alliance learned,

through secondhand sources, of the request for multi-month extensions.

In our dealings with the NAB, the FCC and others, we at Amherst have tried to be moderate and constructive in our thinking and our tone. Frankly, however, the NAB's attempt to more than double the 1999 comment period can only be called an outrage -- and an insult.

It is an outrage because the NAB has absolutely no justification for having

waited this long to study the issues it wants to explore.

The NAB has had over 20 years to study Low Power Radio. The ban on new stations at 100 watts or less has been around for that long -- and so have the unlicensed broadcasters who challenged it.

In addition, for over a year -- ever since public comments were sought in

RM-9208 -- the NAB has been on notice that the Commission was seriously considering the establishment of a Low Power Radio Service.

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As noted earlier, 5 months passed from the initial RM-9208 Notice in February of 1998 to the closing of the comment period in July of 1998. After that, another 6 months passed from the close of comments to the issuance of a Proposed Rule in late January of 1999.

At any point in this total "window" of 15 months, the NAB could have

conducted its study. Failing that, it could have at least promised the FCC that a

study would be completed and submitted by "a date certain".

Instead, it didn't even START a study.

Whatever its "official" explanation may be, the truth is obvious. The mighty

NAB was "asleep at the wheel". Almost certainly, the slumber was born of overconfidence: the NAB was simply too arrogant to take Low Power Radio seriously. In short: The dog ate its homework.

To put the same point less playfully, the NAB is effectively asking the FCC

to shield it from the consequences of its own arrogance.

THAT is what makes this request an outrage.

What makes it an INSULT is the callous disregard for all the hard work OTHER parties have put into these Dockets.

The Low Power Radio movement has far, far fewer resources than the NAB. At Amherst, we are still working our way up to a shoestring operation.

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Yet, despite severe financial and logistical limitations, Low Power Radio activists

have used the Internet and other "open access" resources to do what had to be done. We have met deadlines, done some original research, done a great deal of original thinking and presented enough of a case to persuade the FCC to issue a Proposed Rule. In the process, we have also earned endorsements of Low Power Radio from the City Council of Detroit, the City Council of Santa Clara, the City Council of Boston, THE BOSTON GLOBE, THE LOS ANGELES TIMES and The Reverend Jesse Jackson of the Rainbow Coalition.

In short: The dog didn't eat OUR homework. We did it -- and we did it

without the benefit of the lavish resources available to the NAB. It would be unjust indeed to allow the NAB to play "catchup ball" at our expense.

We add that the NAB's multi-month extension request is also an insult to

the Commissioners and the Commission's staff. It is obvious to us that, since February of 1998, many people at the FCC have been working long and hard to move Low Power Radio forward as swiftly as possible. Now, with no apparent thought of their long hours and hard work, the NAB wants the Commission and its staff to "hurry up and wait".

Once again, the NAB is treating itself as the Center of the Universe -- if not the Universe itself -- and treating others as ants to be crushed at will.

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PLEASE TEACH THE NAB SOME MANNERS

Don Schellhardt, the current National Coordinator of THE AMHERST ALLIANCE, is also an attorney who worked in the Connecticut courts for 3 years. Based on his experience and observation, he can quickly predict the reaction of most judges to a trial lawyer who: (a) moves for a 5-month extension of the trial date, with (b) no visible justification besides his or her failure to do the necessary work on time, and (c) no effort at all to apprise other parties to the case that an extension has been requested.

At a minimum, the extension request would be Dead On Arrival.

In addition, the chances are good to excellent that the lawyer in question would receive from the judge a lecture so blistering as to be unforgettable.

The Commission is not a court, but it IS deciding issues of great importance and it MUST consider the interests of ALL parties to an issue. Further, it is regulating major industries which are vital to the survival of the United States. Even in an era of increased competition, the national interest demands preservation (or creation) of a potential for cooperation within these industries. Given this reality, the Commission has an obligation to encourage common courtesy and discourage disrespect.

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We urge the Commission to act on this obligation. We urge the FCC to "send a message" to the NAB that it must become more respectful toward its new "junior partners" in the radio industry AND toward the Commission and its staff as well.

Deliver to the NAB the equivalent of a lecture it will never forget.

Refuse to delay either of the comment deadlines by even a day.

CONCLUSION

For the reasons stated herein, we strongly urge the Commission to deny

any and all requests to extend either comment deadline in Docket MM 99-25.

Respectfully submitted,

Don Schellhardt

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THE AMHERST ALLIANCE

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Dated: _____

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